

Name, Address, Telephone No. & I.D. No.

Gerald H. Davis, #110417
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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re

HYONG SEOK OSS1 AND HYONSOOK OSS1

BANKRUPTCY NO. 08-10218

Debt or.

OBJECTION TO CLAIM AND NOTICE THEREOF

TO:

CREDITORS, U.S. TRUSTEE AND INTERESTED PARTIES

The [X] Trustee [] Debtor [] Chapter 13 Trustee, except to the extent already paid by the Chapter 13 trustee, objects to the allowance of Court Claim No. 11_____, (or if no Court number assigned, Trustee Claim No. _____) of HANMI BANK, INC.

filed for \$1,254,072.16 _____, on the grounds it:

- [] Duplicates Claim No. _____ filed by _____
- [] The claim was filed after the expiration of the last date to file claims.
- [] Does not include an itemized statement of the account.
- [] Does not include a copy of the underlying judgment.
- [] Does not include a copy of the security agreement and evidence of perfection.
- [] Does not include a copy of the writing upon which it is based.
- [] Fails to assert grounds for priority.

For the following objections, attach and serve affidavits or declarations in accordance with Local Bankruptcy Rule 9013-2(a)(2):

- [] Appears to include interest or charges accrued after the filing of this case on _____
- [x] Other _____

COLLATERAL FOR SECURED CLAIM REMAINS IN DEBTOR CONTROL; NO EVIDENCE OF DEFICIENCY ON FORECLOSURE OF COLLATERAL PRESENTED BY CLAIMANT

ALLOW UNSECURED CLAIM IN SUM OF \$69,139.09
DENY SECURED CLAIM IN SUM OF \$1,254,072.16

If you object to the proposed action:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to your bankruptcy case. If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:

-	JM	-	call	(619) 557-6019	-	DEPARTMENT ONE (Room 218)
-	LA	-	call	(619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	LT	-	call	(619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	PB	-	call	(619) 557-5157	-	DEPARTMENT FOUR (Room 328)

For ALL Chapter 13 cases, call (619) 557-5955.

2. **WITHIN THIRTY (30) ¹ DAYS FROM THE DATE OF SERVICE OF THIS MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184 ²] upon the undersigned moving party, together with any opposing papers. The opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- a. identify the interest of the opposing party; and
- b. state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 30-day¹ period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

I hereby declare under penalty of perjury that the objection set forth above is true and correct to the best of my information and belief.

DATED: July 1, 2009

/s/ Gerald H. Davis

Trustee

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on the 1st day of July 2009, I served a true copy of the within OBJECTION TO CLAIM AND NOTICE THEREOF (TOGETHER WITH DECLARATION IN SUPPORT, IF REQUIRED) by U.S. FIRST CLASS MAIL on the following persons:

HYONG SEOK OSSI
HYONSOOK OSSI
C/O JOHN L. SMAHA
7860 MISSION CENTER COURT SUITE 100
SAN DIEGO CA 92108

HANMI BANK INC.
C/O JOON W. SONG
818 W. 7TH STREET SUITE 900
LOS ANGELES CA 90017-3432

and EMAIL SERVICE VIA ECF SYSTEM AT UNITED STATES BANKRUPTCY COURT

☒ For Chpt. 7, 11, & 12 cases: ☐ For ODD numbered Chapter 13 cases: ☐ For EVEN numbered Chapter 13 cases:

UNITED STATES TRUSTEE
Department of Justice
402 West Broadway, Suite 600
San Diego, CA 92101

THOMAS H. BILLINGSLEA, JR., TRUSTEE
530 "B" Street, Suite. 1500
San Diego, CA 92101

DAVID L. SKELTON, TRUSTEE
525 "B" Street, Suite 1430
San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on July 1, 2009

/s/ Julie Smyth

P.O. Box 121111
San Diego CA 92112-1111

¹If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions.

²You may obtain Local Form CSD 1184 from the Office of the Clerk of the U.S. Bankruptcy Court.

1 Gerald H. Davis, # 110417
P.O. Box 121111
2 San Diego, CA 92112-1111
(619) 400-9997
3 davisatty@aol.com

4 Trustee

5 UNITED STATES BANKRUPTCY COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
7

8 In Re:

9 Hyong Seok Ossi and Hyonsook Ossi.

11 Debtor(s)

Case Number: 08-10218-LA7

TRUSTEE'S DECLARATION
IN SUPPORT OF OBJECTION
TO CLAIM NO. 11

13 COMES NOW, GERALD H. DAVIS, Trustee, declaring:

14 1. I am the trustee appointed in the above entitled case.

15 2. I object to the secured portion of the Claim only. The collateral for that Claim is real
16 property located at 13697 White Rock Rd., Poway, CA. I am informed and believe that the
17 debtors remain in residence of this collateral.

18 3. There is no evidence accompanying the secured portion of the Claim alleging any
19 deficiency after liquidation of the collateral.

20 4. There is no relief from stay filed by this secured creditor indicating debtors failure to
21 make debt service on the secured claim.

22 5. Accordingly, I object to the secured claim in the sum of \$1,254,072.16.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 //

25 Dated: July 1, 2009

/s/ Gerald H. Davis